

DANISH ASYLUM POLICY AND HUMAN RIGHTS

By Michala Bendixen, Refugees Under Ground Network, June 2008

The Danish Government led by Anders Fogh Rasmussen since 2001, depending on the nationalist Danish People's Party, has built up the most hostile policy towards refugees and immigrants in Europe.

The following organisations have repeatedly criticised Denmark in various reports on asylum, immigration, human rights and discrimination:

- ECRE (European Council on refugees and exiles)
- ECRI (European Commission against Racism and Intolerance)
- UNHCR (UN High Commissioner for Refugees)
- CERD (UN Committee on the Elimination of Racial Discrimination)
- Council of Europe Commissioner for Human Rights
- Amnesty International

On its way: LIBE (EU Parliament Committee on Civil Liberties, Justice and Home Affairs)

They have focused on the same points:

- Discriminating laws and practice towards refugees, immigrants and ethnic minorities
- Discriminating attitudes towards the same from politicians and media

Every time the reaction from the Danish Government has been the same:

- Facts in reports are not correct
- We do not agree with the conclusions
- Our aim is a better integration, and we are succeeding
- The tone in the response is arrogant and aloof

Recent quotes from the Minister of Integration Birthe Rønn Hornbech:

” UNHCRs definition of a refugee is very airy, we do not agree with it.”

”Amnesty should not be so concerned about rapists and pedofiles being deported from DK, in stead they ought to focus on the dictatorships around the world and teach them about democracy.”

1. Definition of a refugee:

DK demands that a person is individually persecuted. This is not stated in the Refugee Convention or the guide lines by UNHCR, who find it sufficient to belong to a persecuted group or come from a very insecure area.

UNHCR advises all states to give some kind of protection to Iraqis. In 2006 Sweden recognised 81% of the Iraqi asylum seekers, DK only 7%. Finland and Norway also gave some kind of protection status to everyone from South and Central Iraq.

2. International conventions:

UN Convention on Torture says:

No state may deport or deliver a person to another state where there are reasons to believe he is at risk of being exposed to torture.

UN Convention on Refugees says:

No state may return a person to areas where his life or freedom would be threatened because of race, religion, nationality, political views or attachment to a special social group.

Reports from UNHCR, Amnesty, Human Rights Watch a.o. state that a number of states do not respect human rights and use torture – Iraq, Iran, Sri Lanka, Kazakhstan, Libya, Russia, China... DK are deporting refugees to all these countries., even people belonging to vulnerable or persecuted groups.

3. The asylum process in DK:

- No lawyer until first refusal
- Translators are not examined or certified
- The Refugee Board:
 - Consists of only 3 people: a judge, an appointed lawyer, a jurist from the Immigration Ministry
 - Decisions are often based upon "probability" of the story, and any doubt or contradiction weighs against the refugee.
 - Decisions can't be appealed (as all other legal decisions in DK can be)
 - If a complaint causes the case to be reopened, the same 3 people reconsiders it.
 - Decisions can't be brought before the Ombudsmand.

4. Life as an asylum seeker:

- No right to work
- Grown ups cannot learn Danish, only English
- Children go to special schools with a lower level (a few are allowed in public schools)
- No right to live outside asylum camps
- Health care only for acute diseases
- **and for the refused:**
 - Must live in deportation camps
 - Must report to the police in the camp twice a week (asked why you are going home)
 - No pocket money, 43 € a week for food
 - No activity programmes
 - No time limit: if DK can't deport you (many countries do not want their citizens back, or you don't have any ID, or you are stateless) then you can stay like this forever
 - Imprisonment also without time limit, (many have been imprisoned for over a year) only on suspicion that you will leave the country illegally or go under ground.

5. Discriminating laws:

Most of the following laws discriminates refugees and immigrants because they often have difficulties with the language, finding employment and good housing – and obviously they have been here fewer years than the native Danes.

”START-UP HELP”

Refugees and immigrants are only entitled to half of the normal welfare allowance. This goes for the first 7 years in DK, and forever unless you have been fully employed during 2 1/2 years. 98% of the people on Start-up Help are refugees and immigrants. *(A case is pending on this subject in the European Court for Human Rights).*

FAMILY REUNIFICATION

Spouses:

- Both must be over 24 years
- Must be living together on the same adress
- Must have permanent, adequate housing in applicant’s own name
- Attachment as a couple must be stronger to DK than to any other country (*quoting from the notes to the Alien Act this means in fact that the newcomer must have some period of legal stay in DK*) – unless the applicant has been a Danish citizen for 28 years
- Bank guarantee of 56.000 DKR being bonded for 7 years

Children:

- Only up till 14 years of age

Other family members (parents, grown up children, siblings):

- Not possible

DANISH CITIZENSHIP:

- After 9 years of legal residence
- Danish language demands at high school level (impossible for people with few years of school in their homeland)
- Must be self supporting during 4 of the last 5 years
- Test in Danish history and culture (with totally irrelevant questions about art and football matches)

DEPORTATION SENTENCES:

Used as a double punishment, after serving the normal sentence.

The Alien Act states that the proportion of the sentence should be considered in each case. However, several men have been deported with sentences of less than a year, and even if they had refugee status, had been in DK since childhood, were married and had children here. Recently 11 Iraqis have been forcibly deported to Bagdad in spite of all warnings from the international society.

VIOLENCE AGAINST WOMEN:

Foreign women married to violent Danish men have no means to stay if they divorce him. Only if they have been here for more than 3 years, have children and are well integrated, they have some chance of getting a residence permit.

HIJAB BAN FOR JUDGES:

The Government has just decided to ban muslim scarves for judges – going directly against the decision of the Court Council. To justify the decision the ban goes for all religious symbols.

In my opinion Denmark has built up a deliberate system of apartheid between Real Danes and Foreigners. A special set of rules keep the new comers out of influence and leave them in poverty. We are referring to Second- and Third Generation of immigrants, and even people who are born in Denmark don't consider themselves to be Danes, if their parents were born somewhere else.

Especially muslims are being met with suspicion and prejudice. Integration really means assimilation, we are very scared of becoming a multi cultural society.

Denmark has lost all respect for international and European agreements on human rights.